G R S IX 5]

Previous references

Misc - 27/2/17

Reserve for 27/2/17

File No 74-16

Serial Nos 1-5

1917.

(Municipal)

Later references

GENERAL AND REVENUE SECRETARIAT

Serial Nos 1-5

Part B for January 1917

SUBJECT

Communication from the Residency Commending the desirability of excluding aliens from being elected on Municipal or District Boards and from voting at elections.

To the Govt Assistant to the Hon'ble the Resident in Mysore

Forwards, for the information of the Hon'ble the Resident in Mysore, a copy of each of the Notifications Nos 3869/Mel 74-16-4 dt. 15 12 16 and No 3870 C. B 66-16-6 dt 15 12 16 declaring that only Subjects of Mysore or any other State in India and British Subjects are eligible to vote at elections of members of local Boards and Municipal Councillors and to act as members of local Boards, and add that under rule 6 of the Municipal Voters' Eligibility, 1909, persons who are not voters are not qualified to be candidates for Municipal Councillorships.

Mysore 31.1.17

R S 11] 1916

GENERAL AND REVENUE SECRETARIAT

(Mund)

NOTES

74

File No 16

FILE HEADING

Disqualification of Aliens from being on Mal & Dist. Bds and from voting at elections

From The 1st Asst. to the Hon'ble the Resident in Mysore

No. 481/513 Dated 5 8 1916 Received 7 8 1916

Diary No.	481	Enclos	Spare Copies	Serial No 1

BRIEF ABSTRACT OF LETTER

States that under many of the existing Mal & Taluk Acts in India or the rules framed thereunder, aliens are eligible to vote at elections & to sit as members of Mal & Dist or Taluk Bds & that the Govt of India have taken steps to have persons other than British Subjects or Subjects of Native State in India disqualified both as electors and candidates, & commends the desirability of taking, if necy, similar action in the Mysore State

NOTES AND ORDERS

The Mysore Municipal Regulation

Sec 15 enumerates the general disqualifications for becoming a Councillor Sec 12 says that persons possessing any of the disqualifications specified in that Sec shall

NOTES—First Sheet

G R. S 12]

General and Revenue Secretariat | Ml File No 74 of 1916

Serial No

B

be qualified to be a candidate The only disqualification for Voting mentioned in the Regulation is of a person being of less than 21 years of age. (Sec 21) Thus Sec 11 Govt may frame rules prescribing the qualifications of Candidates and Voters other than those specifically mentioned in the Regulation Rules 4 & 6 of the Election rules enumerate the qualifications necessary for Voters & Candidates

2 The Mysore L B Regulation & the Rules framed thereunder

Sec 31 of the Regn says that Govt may make rules as to qualifications of members of Dist. & Taluk Bds & Panchayats.

Qualifications of electors and disqualifications for membership are mentioned in Rules 10 & 15 respectively.

3. The Mysore Towns Regulation, 1906 and the rules framed under Secs 34 & 35 thereof.

Sec 35 (1) empowers Govt to appoint any persons, official or non official or both residing within or in the vicinity of the town municipal area to exercise

NOTE—Contn sht

I 200 171

487

G R. S 12]

General and Revenue Secretariat | Mil File No 74 of 1916

Serial No

a Sanitary Board

Among the members of the Board constituted in accordance with Rule 1 of Sec I of the rules, there are the Ch Medical Officer of the Mining Board and 6 others nominated by the Mining Board

4. From the paper under disposal it would appear that neither a Frenchman nor an Italian nor a Russian nor a Japanese can be a member of a Mil or Local Board in British India, unless he is a British Subject.

5 In the Mysore State there appear to be some Italians in the Kolar Gold Fields area & some of them are on the perhaps on the Mining Board There are also Frenchmen in the State who are missionaries. If action on similar lines as in British India is taken here these will be disqualified.

6 Submitted for orders

HK 48

8 8 916 If many the Residency
Dy 8 8 be asked for information
98 as to the nationality of the

NOTE—Contn sht

G R. S 12]

General and Revenue Secretariat

File No. 74 of 1916.

Serial No

as proposed to be taken by them in the matter of abolishing the restriction as permanent or temporary, tho' it may be presumed to be permanent.

8 The restriction excludes only Judicial also Revenue) -

11/8-16

9 The definition of the word "alien" as given in Chambers Twentieth Century Dictionary and Webster's New International Dictionary is extracted on a separate sheet of Routine Note for ready reference

10. Further information may be called for from the Residency as suggested above before action is taken on the lines indicated in the Resident's Communication to the Durbar

1st Member Durbar)

301/12 8

11 & 15/8

9857/15 8 16 When steps in this matter are actually taken

11/8-16

14-8

14 & 15/8

12 Action may be taken as suggested by the Resident 2 Comm.

14/9-16

15-8 16

13 Draft a letter to the Residency accordingly Asst Secy)

16 & 15/8

17/8-16

FORM—(continued)

Printed—17 1 1

G R S 12]

General and Revenue Secretariat

Rel File No. 74 of 1916

Serial No	
1	Drafting a letter is submitted HWK 48 17 8 1916 15 June
2	To the Secy to Govt of India in the Home Dept Simla Despatch No 661 dated 21 8 1916 Request leave to inform the Bombay Govt the steps taken by the Govt of India in the matter & to obtain for the Bombay Govt any orders or notes issued by local Govts and Administrations in the matter
3	To the 1st Asst to the Hon'ble the Resident in Mysore. No 7586 dated 26 10 1916 Forwards a copy with enclosures of the Madras Govt No 1312-1 dated 23 9 1916 issuing orders on the subject of disqualifying persons other than British subjects or subjects of any native State in India as voters & candidates at elections to Municipal & Local Boards and adds that a further communication will be issued when the Bombay Govt have arrived at a decision on the subject.
4	Submitted with reference to Para 11 above HWK 48 8 11 1916 (Rev Secretary)
5	For favour of orders 4 11 16

NOTE—Contn sht

127

(F. R. S 12)

General and Revenue Secretariat | Inf | File No 74 of 1916

Serial No

213
& 11 16

18. Enclosed for information & Orders
2nd Member in Board
Secretary
Draft amendment of Punjab L.D Regulations
Ltd 6/11/16
Dm 6.11.16

19 No amending rules is necessary in this case, rules maybe amended by Secretary, Board only
Draft
Ltd 9.11
Asstt Secy 20 Yr. Please put up a typed draft amendment of the Rules on the lines noted by Mr. Secy. Ltd 9 11 1916

21 Draft put up (typed)
Dm 9 11 16

22 Draft Notns amending Rule 4 of the Rural Electn Rules, 1916 and Rule 10 (1), of the Rural, framed under the L D Regulation are put up for approval they will be got typed
HMD
HMK 48

18 11 1916 23 Draft as typed as corrected
Dm 20.11.16

24. Attended to
HMK 48
24 11 1916 25 Encl 2 amdt typed drafts (to Secretary)
Dm 24 11 16

FORE—Cutting sheet

(PH 70 000 17 19 1)

G R S 12]

General and Revenue Secretariat

File No 74 of 1916.

Serial No

2 Dupl amendt — Withdrawn by appnt (2nd & 3rd Members)

496 / 28 11 16

27 Withdrawn by Appellant Reading will be marked "Withdrawn"

28 Appellant's Reading to be Reading sent when taken

27 11 16

29 11 16

1/12/16

29 11 16

29 11 16

1-12-16

29 appointed 1/12/16

30 Subd for favour of withdrawal

Mahadevappa 2 12 16

Dewan

328 / 4 12 16

31 Dupl Writ appl by the Dewan 11 12 16

32 Memo & Affidavit Respondent Reading praying Court to dismiss the petition & Writ application

12/12/16

33 Memo ① Dewan

② Supreme Court with Printed Copies

③ Subsidy Office

12.12.16

Vide Notn no 3870 L-B 66 16-16 amending the Rule 19 The Rules under the L.B Regn.

Published at page 611 of the Gazette dated 19/12/16

The Compiler, Supreme Court no 3869 & 15-12-16

Pl. III

Forwards for publication in the Gazette the Notn amending Rule 4 of the Mal Electoral Rules, 1916

Vide Cabinet sheet 1/12/16

8

1267

G. R S 12]

General and Revenue Secretariat | Ml File No 74 of 1916

Serial No	
	34. Draft of a letter to the Residency is submitted with reference to 27th paragraphs 27th 28 Supra. HK 68 3 1 1917 (Rev Secy) 4/1 — 35 — 4/1-17
5	36 Issue 5 1 17 — 5/1-17
	To the First Assistant to the Hon'ble the Resident in Mysore No Pol 681 dt 8 1 17 forwards a copy each of the Notification Nos 3869/Ml 74-16-4 dt 15 12 16, and No 3870/ DB 66-16-60 15 12 16.

of 20th wide Rev from the Secy HK 68 3 1 1917

NOTE—Contn sheet

GPB— 0 000—17 12 1

III
D 481
Pol 25 3 A 7 8 16
Mil I 74-16-1

No 5573

From

MAJOR T H ST GEORGE TUCKER,
FIRST ASSISTANT TO THE RESIDENT IN MYSORE

To

The Dewan of Mysore

Dated Bangalore, 5th August 1916

Sir,

I am directed to say that it has been brought to the notice of the Government of India that under many of the existing Municipal and Local Self-Government Acts in India or the rules framed thereunder, aliens are eligible to vote at elections and to sit as members of Municipal and District or Local Boards The Government of India, considering it undesirable that they should be allowed to possess these privileges in British India, have taken steps to have persons other than British subjects or subjects of any State in India disqualified both as electors and candidates

I am to commend to the consideration of the Durbar the desirability of taking, if necessary, similar action in the Mysore State

I have the honour to be,
Sir,
Your most obedient servant,

T St G Tucker

First Assistant Resident

KM

R O 2—R P B—6 1916 1 000

Disqualification of aliens to be members of Imld Dels & to vote at elections of the members

To

G R S 26]

File No 76·16

Serial No 2

Diary No of letter replied to 481

No Pol 198

General and Revenue Secretariat

(Mussl)

, the 191

To The 1st Asst to the Hon'ble the Resident in Mysore

Date of issue 21-8-16

Signed by ellor L Thomas

Sir,

In acknowledging the receipt of your letter No 55-13 of the 5th Augt 1916, I am directed to request you to be so good as to inform the Durbar the steps taken by the Govt of India to have persons other than British Subjects or Subjects of any State in India disqualified

over.

SUBJECT

9/8

both as electors and candidates
in connection with Mil and
Def. or L Bds. Any orders
to Ships issued by the local Govt. authorities in the
matter may be known, obtained for the Members
I have etc

for Offg Secy to Govt
Port Dalhousie

17 8 916

List of enclosures

Copied by

Examined by

GPB—85,000—4-8-18

12

GEN & REV SECTS
26 OCT 1916

No 7586

8/1267

From

Major T H St GEORGE TUCKER,
FIRST ASSISTANT TO THE RESIDENT IN MYSORE

To

The Dewan of Mysore

Dated Bangalore, 26th October 1916

Sir,

With reference to Mr Krishna Rao's letter No 198 Pol , dated the 21st August 1916, I am directed to forward a copy of the Proceedings of the Madras Government No 1312-L, dated the 23rd September 1916, passing orders on the subject of disqualifying persons other than British subjects or subjects of any State in India as voters and candidates at elections of municipal councils and local boards

2 I am to state that the Bombay Government have also been addressed in the matter and that a further communication will be made when the Bombay Government have arrived at a decision on the subject

I have the honour to be,

Sir,

Your most obedient servant,

T S T George Tucker

FIRST ASSISTANT RESIDENT

PKH

R O 2—R P B—8-1916—1 000

Ex to Ml 7416—3

Government of Madras.

LOCAL AND MUNICIPAL DEPARTMENT

G.O. No. 1312 L., 23rd September 1916

Acts and rules

Persons other than British subjects or subject of any State in India declared to be ineligible to vote at elections or to sit as members of municipal councils and local boards

GOVERNMENT OF MADRAS

LOCAL AND MUNICIPAL DEPARTMENT

Order—No 1312 L, dated 23rd September 1916.

There is no provision in the Madras District Municipalities Act or the Madras Local Boards Act or the rules framed thereunder declaring that persons other than British subjects or subjects of any State in India are not eligible to vote at elections or to sit as members of municipal councils, local boards and union panchayats. The Governor in Council considers that an explicit order to this effect is necessary and is accordingly pleased to issue the following orders

2 The rules framed for the conduct of elections of members and chairmen of municipal councils and of members of taluk boards will be amended as in the appended notifications which will be published in the *Fort St. George Gazette* and in all the district gazettes The necessary modification will also be made in the rules for the conduct of elections of members of union panchayats which are now under revision

3 Collectors and Presidents of District and Taluk Boards are also requested, in making appointments or submitting recommendations, to see that their nominees are British subjects or subjects of States in India.

4 The Superintendent of the Government Press will be requested to print the requisite number of copies of the notifications and forward them to Collectors for publication in the district gazettes.

(True Extract)

C G TODHUNTER,
Acting Secretary to Government

To all Collectors
" all Presidents of District Boards
" all Presidents of Taluk Boards
the Superintendent Government Press
Gazette

[Appendix.

APPENDIX

NOTIFICATIONS

I

Under sub-section (1) of section 256 of the Madras District Municipalities Act, 1884, the Governor in Council directs the publication of the following alteration which it is proposed to make in rule 3 of the rules framed under clause (*a*) of sub section (1) of section 250 of the Act for the conduct of elections in municipalities and published under notification No. 1369 on pages 750 to 801 of Part I-A of the *Fort St George Gazette*, dated 30th November 1915 Objections or suggestions in respect of the draft alteration will be received by the Government on or before the 15th November 1916 None received after that date will be considered

Draft alteration

Insert the following as clause (3) of rule 3 —

" (3) Persons who are not British subjects or subjects of any State in India "

II

Under sub-section (1) of section 256 of the Madras District Municipalities Act, 1884, the Governor in Council directs the publication of the following alteration which it is proposed to make in rule 3 of the rules framed for the conduct of elections of chairmen of municipal councils Objections or suggestions in respect of the draft alteration will be received by the Government on or before the 15th November 1916 None received after that date will be considered

Draft alteration

Add the following words at the end of the first sentence of rule 3 —

" and shall, in every case, be a British subject or a subject of a State in India

III

Under section 145 of the Madras Local Boards Act 1884 the Governor in Council directs the publication of the following alterations which it is proposed to make in rules 3 and 9 of the rules framed under sub section (1) of section 144 of the Act for the conduct of elections of members of taluk boards and published under notification No 1371 on pages 802 to 821 of Part I A of the *Fort St George Gazette* dated 30th November 1915 Objections or suggestions in respect of the draft alterations will be received by the Government on or before the 15th November 1916 None received after that date will be considered

Draft alterations

(*a*) In rule 3 *insert* the following as clause (3) —

' (3) Persons who are not British subjects or subjects of any State in India "

(*b*) In rule 9, *alter* the fullstop at the end of clause (*g*) into a semicolon and *add* the word " or "

(*c*) *Insert* the following as new clause (*h*) —

" (*h*) is not a British subject or a subject of any State in India "

D No of letter replied 6-1267

(Recd.)

B

Lr by Mr L Krishna Rao

14.12.16

Nr 3869 ml 74-16-4 9/18-12-16

NOTIFICATION

Add the following after "persons" in line 2 of Rule 4 of "the Municipal Election Rules, 1909".

"who are the subjects of Mysore or of any other State in India and all British Subjects",

The Rule as altered shall stand as follows --

"4. Unless disqualified under Section 21 of the Regulation by being less than 21 years of age, all persons who are ~~the~~ subjects of Mysore or of any other State in India and all British Subjects, qualified as voters under Section 12 (a) and (b) of the Regulation and the following persons of the male sex, shall be entitled to have their names entered in the list of Voters, viz -" etc

Nr 24 11

"By Order"

11.12.16

Offg Secretary to Government,
Revenue Department.

To

The Compiler, Mysore Gazette, for publication in Part III of the Gazette, with the request that 500 spare copies may be sent to this office

Published in Part III of the Mysore Gazette dt 21-12-16

NK 48
24 11 1916

N R

(17

NOTIFICATION

No 3869—Ml 74-16-4, dated 15th December 1916

Add the following after "persons" in line 2 of Rule 4 of "the Municipal Election Rules, 1909"

"who are subjects of Mysore or of any other State in India and all British Subjects,"

The rule, as altered shall stand as follows —

"Unless disqualified under Section 21 of the Regulation by being less than 21 years of age, all persons who are subjects of Mysore or of any other State in India and all British Subjects, qualified as voters under Section 12 *(a)* and *(b)* of the Regulation and the following persons of the male sex, shall be entitled to have their names entered in the list of voters, *viz* —" etc

By Order,
L KRISHNA RAO,
Offg Secretary to Government,
Revenue Department

Amendment to Mul d 2-15
Election Rules

G R S & REV & JUDL Sec. 6 JAN 1917

File No 74-16
Serial No 5

Diary No of letter replied to 12678

No Pol 681/Secy

General and Revenue Secretariat
(Mund)
, the 191

To
The First Assistant
to the Hon'ble the Resident
in Mysore

Date of issue 8 1 1917

Signed by Mr B Rama Varmayya

Sir,

With reference to correspondence ending with your letter No 7586 dated the 26th October 1916, I am directed to forward for information of the Hon'ble the Resident in Mysore a copy each of the marginally noted Notifications dated

over

Notn No 3869 Mul 74 16 4 & 15 12 16 amending Rule 4 of the Mul Election Rules, 1909

Notn No 3870 d 15 B 66-16-6 & the 15th December 1916 amending Rule 10 of the Rules under the L.R. Regn II of 1902

SUBJECT

45/8 101

(3)

that only subjects of Mysore or any other state in India and British subjects are eligible to vote at elections of members of Local Boards and Municipal Councils and to act as members of Local Boards.

2 I am to add that under Rule 6 of the Mysore Election Rules, 1917, a copy of which is herein enclosed, persons who are not on the Voters are not qualified to be candidates for Municipal Councillorship.

I have etc.

5.1.17

for Secy to Govt

31/1917

Rec Rev Dept

List of enclosures

2 Notns dt 15-12-16 & a copy of the Mysore Election Rules

Copied by

Examined by

G P P—20,000—16.10.14